

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MARIA SILVA,

Plaintiff,

v.

MICHAEL ASTRUE, Commissioner of the
Social Security Administration,

Defendant.

)
)
)
)
)
)
)
)
)
)

Case No. C10-5689-JLR-BAT

**REPORT AND
RECOMMENDATION**

Maria Silva brought an action seeking review of the denial of her application for disability insurance benefits by the Commissioner of the Social Security Administration. Dkt. 1. The parties stipulate the case should be remanded, pursuant to sentence four of 42 U.S.C. § 405(g), for further administrative proceedings. Dkt. 19.

Specifically, the parties stipulate that on remand, the Administrative Law Judge shall:

- (1) Further address the opinions of each treating and examining source and may request the sources to provide additional evidence and medical source statements;
- (2) Further evaluate Ms. Silva's mental impairment at step two;
- (3) Re-assess whether Ms. Silva's impairments meet or equal a listing at step three with the assistance of a medical expert;
- (4) Further consider Ms. Silva's credibility pursuant to Social Security Ruling 96-7p;

1 (5) Re-evaluate steps four and five with the assistance of a vocational expert, if
2 necessary; and

3 (6) Plaintiff may present new arguments and evidence. The ALJ may perform further
4 development of the record and conduct further proceedings as necessary.

5 The parties agree to reasonable attorney fees and costs pursuant to 28 U.S.C. § 2412 (a),
6 (d).\ and upon proper presentation to the Court. The parties also stipulate this remand is made
7 pursuant to sentence four of 42 U.S.C. § 405(g).

8 Having reviewed the pleadings and the administrative record, the Court recommends the
9 case be **REVERSED** and **REMANDED** for further administrative proceedings as set forth above.
10 As the parties stipulate to remand, the Court recommends if this recommendation is adopted, that it
11 be approved immediately. A proposed order accompanies this Report and Recommendation.

12 DATED this 15th day of February, 2011.

13
14 

15 BRIAN A. TSUCHIDA
16 United States Magistrate Judge
17
18
19
20
21
22
23